



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

A matter regarding JP WEST ENTERPRISES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes For the landlord: OPR-DR, MNR-DR, FFL
For the tenants: CNR-MT

Introduction

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear a cross application regarding the above-noted tenancy.

The landlord's application pursuant to the Act is for:

- an order of possession under a 10-Day Notice to End Tenancy for Unpaid Rent (the Notice), pursuant to sections 46 and 55;
- a monetary order for unpaid rent, pursuant to section 26; and
- an authorization to recover the filing fee, under section 72.

The tenants' application pursuant to the Act is for:

- cancellation of the Notice, pursuant to section 46; and
- an extension of the timeline for disputing the Notice, pursuant to section 66.

Both parties attended the hearing. The landlord was represented by AJ. Tenant KM represented tenant DM. All were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

At the outset of the hearing all the parties were clearly informed of the Rules of Procedure, including Rule 6.10 about interruptions and inappropriate behaviour, and Rule 6.11, which prohibits the recording of a dispute resolution hearing. All the parties confirmed they understood the Rules of Procedure and section 95(3) of the Act.

Named parties

The application submitted by AJ names landlord AJ and respondents tenants "KM JM".

The application submitted by the tenants names tenants KM and DM and respondent landlord JP West Enterprises.

AJ affirmed that the rental unit is owned by JP West Enterprises, which is owned and represented by AJ.

KM affirmed that he is also known as JM.

Pursuant to section 64(3)(c) of the Act, I amended the application submitted by AJ to list applicant landlord JP West Enterprise, represented by AJ, and respondent tenant KM.

Settlement

Pursuant to section 63 of the Act, an arbitrator may assist the parties to settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order. During the hearing the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to the following final and binding settlement of all issues listed in these applications for dispute resolution:

1. The tenants agree to provide the landlord with vacant possession of the subject rental property on May 28, 2023 by 1:00 P.M.
2. Both parties agreed to receive documents via email. The email addresses are recorded on the cover page of this decision.
3. The parties are at liberty to submit monetary applications regarding this tenancy.

Conclusion

As the parties have reached a settlement, I make no factual findings about the merits of these applications.

To give effect to the settlement reached between the parties and as discussed with them during the hearing, pursuant to section 63(2) of the Act, I issue an order of possession to the landlord, which is to take effect on May 28, 2023 by 1:00 PM. The landlord is provided with this order in the above terms and must serve it on the tenants in accordance with the Act. If the tenants fail to comply with this Order, this order may be filed and enforced as an order of the Supreme Court of British Columbia.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: May 12, 2023